

REMARKS

Claims 1-13 and 16 are now pending in the application. Claims 14 and 15 have been cancelled. Claim 16 has been added as new. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. §§102 AND 103

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Banks (U.S. Pat. Pub. No. 2004/0012219, hereinafter "Banks"). This rejection is respectfully traversed.

Claims 1-2, 4-7, 9 and 11-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Knowlton (U.S. Pat. No. 4,957,579, hereinafter "Knowlton"). Alternatively, claim 9 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowlton. This rejection is respectfully traversed.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowlton in view of Waugh (U.S. Pat. No. 4,446,179). This rejection is respectfully traversed.

Claim 1

At the outset, Applicant notes that claim 1 has been amended to specify "[a] partitioning device for sealingly closing an opening consisting of one of a doorway or window in a building" and "said pre-sized panel and said adhesive trim being sized and configured to seal the opening in the building." Neither Banks and nor Knowlton teach or

suggest the partitioning device of the present invention sized and configured for sealing a doorway or window opening of a building. As such, Applicant submits that claim 1 is in condition for allowance as amended. Claims 2-8 depend from claim 1 and should be in condition for allowance for the reasons set forth above regarding claim 1. Therefore, reconsideration and withdrawal of the rejection of claims 1-8 are respectfully requested.

Claim 4

While believed to be in condition for allowance for the reasons set forth above regarding claim 1, Applicant notes that Knowlton also fails to teach the feature of claim 4. Specifically, claim 4 states that "said pre-sized panel includes a sealing wall and a working wall forming a chamber therebetween." The pre-sized panel in claim 4 includes both the sealing wall and the working wall. The Examiner states that surface (58) in Knowlton can be the working wall. However, Applicant respectfully asserts that as discussed in Knowlton, surface (58) is a metal treatment surface, such as an automobile body. (col. 6, lines 15-16). This surface (58) is clearly not part of the pre-sized panel. As such, claim 4 appears to be in condition for allowance for the reasons set forth above in addition to those set forth regarding claim 1.

Claim 9

Applicant notes that claim 9 has been amended to include matter indicated as allowable by the Examiner, discussed in more detail below. As such, claim 9 should be in condition for allowance. Claims 10-13 depend from claim 9 and should be in condition for allowance for the reasons set forth regarding claim 9. Therefore, reconsideration and withdrawal of the rejection of claims 9-13 are respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 8 and 15 would be allowable if rewritten in independent form. Applicant has added new claim 16 to incorporate the features of claim 8 into original claim 1. Applicant has amended claim 9 to include the limitations of the claim 15 and any intervening claims. Therefore, claims 9 and 16 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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